

## Remarks

Claims 1-42 were pending and stood rejected. Claims 1-3, 10, 17, 18, 25, 27, and 37 have been amended, while claim 9 has been cancelled and claims 43-48 have been added. Applicants assert that the claims are now in condition for allowance as set forth more fully below.

## 102 Rejections

Claims 1-5, 7, 8, 17, 19-22, 24, 26-37, and 40-42 stand rejected under 35 USC 102 as being anticipated by Lo (US Pat 6,031,818). Applicants respectfully traverse these rejections.

## Claims 1-16

The Office Action has rejected claim 1 by stating that Lo discloses all of the elements. In matching Lo to the elements, the Examiner has equated the “source” of Lo to the “server” of claim 1, the “server” of Lo to the “archive” of claim 1, and the “clients” of Lo to the “clients” of claim 1.

Applicants initially note that the “server” and the “archive” of claim 1 and its dependents are separate elements so that once the Examiner has committed to equating the “source” of Lo to the “server” of claim 1 and its dependents and equating the “server” of Lo to the “archive” of claim 1 and its dependents, the Examiner cannot then also refer to the “server” of Lo as the “server” of claim 1 and its dependents. It appears that the Examiner has in certain instances, such as in the rejections of claims 3, 9, and 10, impermissibly applied the “server” of Lo as both the “server” and the “archive” of claim 1 and its dependents. Lo does not teach the clients and server sending acknowledgements to the source and does not teach the source separately storing packets not acknowledged by the server.

Amended claim 1 recites, among other things, waiting, at the server, for an acknowledgement from the archive for each individual data packet of the data packets, wherein the server receives the acknowledgement upon the archive receiving and storing the individual data packet, and wherein if the server does not receive the acknowledgement, then the server stores the individual data packet. Thus, the server

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receives an acknowledgement from the archive to indicate that the archive has received the data packet, which means the archive will be able to provide the data packet to clients that have missed the data packet. Further, if the server does not receive an acknowledge which means the archive has not received the data packet, then the server stores the data packet because the archive in its present state will not be able to provide that data packet to clients that have missed the data packet.

Lo discloses that the source (equated to the archive of claim 1) broadcasts the data packets to the server (equated to the server of claim 1) and the clients and that the clients can request that the server transmit missing packets to the clients. However, there has been no discussion found in Lo of the server (equated to archive) sending acknowledgements of received packets back to the source (equated to server), and the source storing the data packets when the acknowledgements are not received from the server. At least because Lo fails to disclose the server (equated to archive) sending acknowledgements to the source (equated to server), and fails to show the source saving data packets when the acknowledgements are not received, claim 1 is allowable over Lo.

The recitations of claim 1 noted above are similar to those previously recited in claim 9. Claim 9 was rejected as being unpatentable based on Lo in view of Gann (US Pat 6,701,351). However, the references to Gann also fail to show a method that involves sending data packets from a server to both clients and an archive with the archive returning acknowledgements and the server stores data packets where acknowledgements from the archive are not received. In Gann, contrary to the Office Action stating that “local storage” broadcasts data packets to clients and an archive, the local storage element 102 only communicates with the central processing location 120 (equated to archive). There is no transfer to clients and the central processing location from local storage element 102 (equated to server). The only transfer to clients is from the central processing location 120 (equated to archive).

When combining Gann with Lo, the substitution of the local storage element 102 of Gann in place of the source (equated to server) of Lo and substituting the central processing location 120 of Gann in place of the server (equated to archive) of Lo would result in no clients receiving data packets directly from the source (equated to server) of Lo. Therefore, combining Gann with Lo still fails to provide a method that involves a

server sending data packets to both clients and to an archive where the archive sends acknowledgements back to the server. Therefore, claim 1 is also allowable over the combination of Lo and Gann for at least this reason.

Dependent claims 2-8 and 10-16 depend from an allowable claim 1 and are also allowable for at least the same reasons. Furthermore, one or more of claims 2-8 and 10-16 recite additional features that are patentable over Lo as well as Lo in view of Gann.

In particular, claim 3 recites wherein when the archive does not store the data packets and does not return the acknowledgement to the server such that the server stores the data packets with their attached unique sequence numbers, the server receives the query from the client, and the server transmits to the client the missing data packet. Neither the source of Lo nor the local storage element 102 of Gann receives a query directly from a client. Instead, either the server of Lo or the central processing location 120 of Gann receives a query from a client to provide data packets. Again, once the Examiner has committed to equating the source of Lo and the local storage element of Gann with the server of claim 1, the Examiner can then not switch within the same claim rejection to refer to the server of Lo or the central processing location of Gann as the server. Therefore, claim 3 is allowable over the cited references for these additional reasons.

Also of particular importance, claim 10 recites wherein the step of sending a query comprises sending the query from the client to the archive, and wherein, if the archive does not respond or if the archive does not have the missing data packet, then the step of sending a query further comprises sending the query to the server. Thus, in claim 10, if the archive does not respond to a query, then a query is sent from the client to the server. Therefore, the same arguments for claim 3 also apply to claim 10 regarding the client sending a query directly to the server. Furthermore, neither Lo nor Gann disclose the client first querying the archive and then upon getting no response or the archive not having the missing data packet, then querying the server. There is no discussion in either reference about the possibility of the archive not being able to respond to the query from the client such that the client queries the server. Therefore, claim 10 is allowable over the cited references for at least these additional reasons.

### Claims 17-36

The Office Action has rejected claim 17 by again stating that Lo teaches all of the elements. The Examiner again equates the source of Lo with the server of claim 17 and its dependents, equates the server of Lo with the archive of claim 17 and its dependents, and equates the clients of Lo with the clients of claim 17 and its dependents.

Amended claim 17 recites, among other things, a plurality of clients in communication with the server through the broadcast messaging software and an archive in communication with the server through the broadcast messaging software, and in communication with the plurality of clients. Claim 17 further recites wherein the archive stores data broadcast by the server, wherein the server receives a data packet, attaches a unique sequence number to the data packet, and broadcasts the data packet to the plurality of clients and the archive using the broadcast messaging software, receives an acknowledgement from the archive for broadcasted data packets, and stores broadcasted data packets for which an acknowledgement is not received from the archive. Additionally, claim 17 recites wherein each client of the plurality of clients receives the data packet broadcast by the server, uses the unique sequence number to determine whether a previous data packet is missing, and, if the previous data packet is missing, requests the previous data packet from the archive, wherein the archive comprises a client component, and wherein the client component is adapted to interface with the server, is adapted to receive and store the data packet broadcast by the server and the unique sequence number attached to the data packet, and is adapted to return the acknowledgement to the server indicating the unique sequence number of the received data packet.

Thus, in claim 17, the server provides data packets directly to both the archive and to the plurality of clients. Furthermore, the server receives an acknowledgement sent by the archive that indicates the unique sequence number of the received data packet and the server stores data packets for which the acknowledgement is not received.

As discussed above, Lo fails to disclose many of these elements. The server of Lo fails to send an acknowledgement, and especially an acknowledgement indicating the unique sequence number back to the source. Furthermore, Lo fails to disclose the source

storing the data packets for which an acknowledgement is not received from the server. These recitations of claim 17 are similar to those previously recited in claim 27. The Examiner rejected claim 27 based on Lo. Again, in making this rejection, it appears that the Examiner has impermissibly relied on the source of Lo being the server recited in the claims and the server of Lo being the archive recited in the claims and then also switching to rely on the server of Lo being the server of the same claims. Accordingly, claim 17 is allowable over Lo for at least these reasons.

Dependent claims 18-36 depend from an allowable claim 17 and are also allowable for at least the same reasons

#### Claims 37-42

The Office Action has rejected claim 37 by stating that Lo teaches all of the elements. Again, in this rejection, the source of Lo is equated to the server, the server of Lo is equated to the archive, and the clients of Lo are equated to the clients. Amended claim 37 recites, among other things, upon determining that a data packet has not been received by the client, sending a query from the client to the archive, and wherein, if the archive does not respond or if the archive does not have the missing data packet, then sending a query from the client to the server. Claim 37 further recites re-transmitting the data packets that have not been received by the client to the client from the archive in response to the query if the archive has the missing data packet or from the server in response to the query if the archive does not have the missing data packet. Thus, in claim 37, the client sends a query to the archive when a data packet is missing but may then also send a query to the server if the archive does not respond or does not have the missing data packet.

Lo does not disclose the client querying the source (equated to the server of claim 37). Lo only discloses the clients querying the server (equated to the archive). In Lo, there is no discussion of what happens if the server (equated to archive) is also missing the same data packet that the client is missing. In contrast, claim 37 provides for the client to query the server when the archive does not respond or does not have the missing data packet so that the server may then provide the data packet to the client. Accordingly, claim 37 is allowable over Lo for at least these reasons.

Dependent claims 38-42 depend from an allowable claim 37 and are also allowable for at least the same reasons. Furthermore, one or more of these dependent claims recite additional features that are patentable over the cited references. For example, claim 38 recites that the acknowledgement is sent when the archive receives the data packet and claim 39 recites that the acknowledgement indicates the unique sequence number.

### 103 Rejections

The claims that stand rejected under 35 USC 103(a) depend from allowable base claims as discussed above. Therefore, these claims are allowable at least for the same reasons.

### New Claims 43-48

New claims 43-48 contain recitations similar to claims 38-42 but apply to a computer readable medium as opposed to a method. Accordingly, new claims 43-48 are allowable over the cited references for at least the same reasons as claims 38-42.

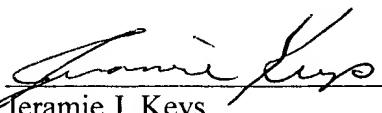
### Conclusion

Applicants assert that the application including claims 1-8 and 10-48 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees beyond the fees for new claims 43-48 are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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